

DRAMATIC PERFORMANCES ACT, 1876

19 of 1876

[16th December, 1876]

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STATEMENT OF OBJECTS AND REASONS "The primary object of this Bill is to empower the Government to prohibit Native plays which are scandalous, defamatory, seditious or obscene. The necessity for some such measure has been established by the recent performance in Calcutta of a scurrilous Bengali drama, to prevent which the existing law was found to be insufficient. The Bill, first, empowers in this behalf, to issue an order prohibiting any dramatic performance which, in the opinion of the Government, comes within any of the clauses abovementioned. The order may be served on intending performers or on the owners of the place in which the play takes place. The order may also be notified by proclamation, and penalties are provided for disobedience thereto. Power is then given to the Magistrates to grant warrants to the police to enter, arrest, and seize scenery, dresses, etc. Lastly, the Local Government is empowered to order, in specified localities,

that no play shall be performed in any place of public entertainment, except under a licence from Government, and that a copy of the piece, if written, or a sufficient account of its purport, if it be in pantomime, shall be previously furnished to the proper authorities."- Gazette of India, 1876, Part V, p. 347.

1. Short title :-

This Act may be called the Dramatic Performances Act, 1876. Local extent. It extends to the whole of India except ¹[the territories which immediately before the 1st November, 1956, were comprised in Part B States.] ² [* * * * *]

1. Substituted for the words "Part B States" by 2 A.L.O., 1956.
2. The words "And it shall come into force at once" were repealed by the Repealing and Amending Act, 1914 (10 of 1914).

2. "Magistrate" defined :-

In this Act "Magistrate" means, in the Presidency towns, a Magistrate of Police, and elsewhere the Magistrate of the district.

3. Power to prohibit certain dramatic performances :-

Whenever the ¹[State Government] is of opinion that any play, pantomime or other drama performed or about to be performed in a public place is-

- (a) of a scandalous or defamatory nature, or
- (b) likely to excite feelings of disaffection to the Government established by law in ²[India] or
- (c) likely to deprave and corrupt persons present at the performance, the ¹[State Government], or outside the Presidency-towns ⁴ [* *] the State Government or such Magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation.- Any building or enclosure to which the public are admitted to witness a performance on payment of money shall be deemed a "public place" within the meaning of this section.

1. Substituted for 'Provincial Government' by A.L.O., 1950.
2. Substituted for "British India or British Burma" by A.C.A.O., 1948.
4. The words "and Rangoon" were repealed by A.O., 1937.

4. Power to serve order of prohibition - Penalty for disobeying order :-

A copy of any such order may be served on any person about to

take part in the performance so prohibited, or on the owner or occupier of any house, room or place in which such performance is intended to take place; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punished on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

5. Power to notify order :-

Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in or to witness the performance so prohibited.

6. Penalty for disobeying prohibition :-

Whoever after the notification of any such order-

(a) takes part in the performance prohibited thereby or in any performance substantially the same as the performance so prohibited, or

(b) in any manner assists in conducting any such performance, or

(c) is, in wilful disobedience to such order, present as a spectator during the whole or any part of any such performance, or

(d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance, shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

7. Power to call for information :-

For the purpose of ascertaining the character of any intended public dramatic performance, the ¹[State Government], or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be performed, for such information as the ¹ [State Government] or such officer thinks necessary. Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes this section shall be deemed to have committed an offence under section 176 of Indian Penal Code.

1. Substituted for 'Provincial Government' by A.L.O., 1950.

8. Power to grant warrant to Police to enter and arrest and seize :-

If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorise any officer of Police to enter with such assistance as may be requisite, by night or by day, and by force, if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

9. Saving of prosecutions under Penal Code, sections 124A and 294 :-

No conviction under this Act shall bar a prosecution under section 124A or section 294 of the Indian Penal Code.

10. Power to prohibit dramatic performance in any local area, except under licence :-

Whenever it appears to the ¹[State Government] that the provisions of this section are required in any local area, it may ²[* *] declare, by notification in the Official Gazette, that such provisions are applied to such area from a day to be fixed in the notification. On and after that day, the ¹[State Government] may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a licence to be granted by such ¹[State Government], or such officer as it may specially empower in this behalf. The ¹[State Government] may also order that no dramatic performance shall take place in any place of public entertainment within such area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than three days before the performance, to the ¹ [State Government] or to such officer as it may appoint in this behalf. A copy of any order under this section may be served on any keeper of a place of public entertainment; and if thereafter he does, or willingly permits, any act in disobedience to such order, he shall be punishable on conviction before Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

1. Substituted for 'Provincial Government' by A.L.O., 1950.

2. Words "with the sanction of the Governor-General in Council" were repealed by the Decentralization Act, 1914 (4 of 1914).

11. Powers exercisable by Governor-General :-

Repealed by A.O., 1937,]

12. Exclusion of performances at religious festivals :-

Nothing in this Act applies to any jatras or performances of a like kind at religious festivals.